

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF

-----X
Plaintiff(s) names,

Plaintiffs,

-against-

Index No.:

Defendant(s) name(s),

Defendants.

PLAINTIFFS' RESPONSES TO
DEFENDANTS' FIRST SET OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS

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Plaintiffs as and for their Verified Responses to the Defendants' Interrogatories and Request for Production of Documents allege upon information and belief at all times herein mentioned as follows:

INTERROGATORIES

A. PERSONAL BACKGROUND OF PLAINTIFF AS REPRESENTATIVE OF DECEDENT'S ESTATE:

1. If you represent decedent's estate, state the following for yourself:
 - (a) Full name and all other names by which you have been known;
 - (b) Relationship to the decedent;
 - (c) Date and place of birth;
 - (d) Address;
 - (e) Social security number;
 - (f) Present marital status and, if applicable, name of present spouse and date of marriage; and
 - (g) Dates of all prior marriages, spouses' names, and dates of termination of marriages.

ANSWER:

B. PERSONAL BACKGROUND OF INJURED PLAINTIFF/DECEDENT:

2. State the following for injured plaintiff/decedent:
- (a) Full name and all other names by which injured plaintiff/decedent has been known;
 - (b) Date and place of birth;
 - (c) Whether injured plaintiff/decedent was an adopted child and, if adopted, state date of adoption;
 - (d) Present age; or date and place of death;
 - (e) Present marital status and, if applicable, name, date of birth, and social security number of present spouse and date of marriage; or marital status at the time of death and, if applicable, the name, date of birth and social security number of spouse at the time of death and date of marriage;
 - (f) Dates of all prior marriages, spouses' names, and dates of termination of
 - (g) Present home address, or home address at time of death; and
 - (h) Social security number.

ANSWER:

3. State the following with regard to injured plaintiff's/decedent's father, mother, and each sibling:
- (a) Name, relationship and date of birth;
 - (b) Current address (if deceased, state last known address);
 - (c) Current condition of each one's health, including any specific medical
 - (d) If either of injured plaintiff's/decedent's parents is deceased, please state for each deceased parent:
 - (I) Specific medical problems;
 - (ii) Date and place of death;
 - (iii) Cause of death.
 - (e) If injured plaintiff's/decedent's grandparent, aunt, uncle, great aunt, great uncle or first cousin has had any respiratory illness (other than common colds), cardiac problem, or any cancer, state as to each:
 - (I) Name, relationship and date of birth;
 - (ii) Current address (if deceased, state last known address); and
 - (iii) The specific respiratory illness, cardiac problem, or cancer the individual had or has.

ANSWER:

4. State the following with regard to each of injured plaintiff's/decedent's children:

- (a) Name;
- (b) Date of birth;
- (c) Sex;
- (d) Current address (if deceased, state the last known address);
- (e) Whether natural child or adopted child and, if adopted, state date of adoption;
- (f) Current state of health, including a statement of specific medical problems;
- (g) If any of injured plaintiff's/decendent's children are deceased, state for each deceased child:
 - (I) Specific medical problems;
 - (ii) Date and place of death; and
 - (iii) Cause of death.

ANSWER:

5. List all injured plaintiff's/decendent's residences, the dates injured plaintiff/decendent resided at each, and with respect to each state:

- (a) Whether such residence contained asbestos insulation;
- (b) Whether any improvements were made to the residence (i.e., insulation, rewiring, etc.);
- (c) The type of fuel used for heating;
- (d) The type of fuel used for cooking; and
- (e) Whether injured plaintiff/decendent ever changed residence for health reasons and, if so, the residence left and the health reason for leaving.

ANSWER:

6. Identify each member of the injured plaintiff's/decendent's household in the last five years, or years prior to death, and also state as to each:

- (a) His age, occupation, and relationship to the injured plaintiff/decendent; and
- (b) The portion of the last 12 months, or the last 12 months of the decendent's life, during which he was a member of the household.

ANSWER:

7. List injured plaintiff's/decendent's hobbies or the major leisure activities in which he engaged during the last twenty years, or the last twenty years of his life. If the injured

plaintiff/decedent did not have hobbies or participate in leisure activities, describe how he spent his leisure time.

ANSWER:

8. Did injured plaintiff/decedent or his spouse ever file for divorce against the other? If your answer is yes, state the date of suit, its disposition, and the date of disposition.

ANSWER:

9. Were injured plaintiff/decedent and his spouse ever separated for any period more than 48 hours because of a marital disagreement?

If your answer is yes, indicate every such incident, stating the reason for the separation and the length of time of each separation.

ANSWER:

10. Was injured plaintiff/decedent ever a party to or a witness in any lawsuit, court or administrative proceeding?

If your answer is yes, state:

- (a) Whether injured plaintiff/decedent was a party or a witness and, if a party, whether he was a plaintiff or a defendant;
- (b) The title of the lawsuit or proceeding, the court or agency in which it was brought, and the docket number;
- (c) The nature of the charges or claims and, if injured plaintiff/decedent was witness, the substance of his testimony;
- (d) The disposition of the case; and
- (e) Identify all insurance carriers or administrative agencies that either made payment or declined to make payment with respect to each such lawsuit or claim.

ANSWER:

11. Has injured plaintiff/decedent ever applied and been rejected for a life insurance, medical insurance, or disability insurance policy?

If your answer is yes, state with regard to each such event:

- (a) The identity of the insurer to whom such application was made;
- (b) The date of such application;
- (c) The identity of any Physician conducting a physical examination with regard to such application and the date thereof;
- (d) The reason for such rejection; and
- (e) Produce all documentation of said application and rejection.

ANSWER:

C. EMPLOYMENT HISTORY

12. Have you or anyone on your behalf requested from the Social Security Administration a listing of all of the insured plaintiff's/decendent's employers and dates of employment?

If your answer is yes, attach a copy of such listing to your responses to these interrogatories.

If not available, execute and provide a release in the form annexed as Exhibit A.

ANSWER:

13. Identify each and every employer that injured plaintiff/decendent had from the time he was first employed to present, or to the time of his death, including any and all military service, and as to each, state:

- (a) The period of time injured plaintiff/decendent worked for each such employer;
- (b) Each position/job title which injured plaintiff/decendent held with each such employer and the dates each such position/job title was held by injured plaintiff/decendent;
- (c) The nature of the work performed;
- (d) The location(s) of injured plaintiff's/decendent's particular jobsite(s);
- (e) The nature of the materials or products injured plaintiff/decendent worked with; and
- (f) Whether said activity involved working in the presence of dust, pollutants, or toxic substances and, if so:
 - (I) Identify by name or type said dust, pollutants, or toxic substances;
 - (ii) State whether any suction device, fan, or other ventilation system was present at the jobsite; and
 - (iii) State whether the employer or any governmental agency or union took air samplings at the jobsite and, if so, identify the persons who

took the air samplings, at the dates such samplings were taken and the persons presently having possession or control of any documents relating to such air samplings.

ANSWER:

14. If injured plaintiff/decendent was self-employed any time, identify each such business, and as to each, state:
- (a) The period during which injured plaintiff/decendent was self-employed;
 - (b) The nature of the work performed;
 - (c) The location(s) of injured plaintiff's/decendent's particular jobsite(s);
 - (d) The nature of the materials or products injured plaintiff/decendent worked with; and
 - (e) Whether said activity involved working in the presence of dust, pollutants, or toxic substances and, if so:
 - (I) Identify by name or type said dust, pollutants, or toxic substances;
 - (ii) State whether any suction device, fan, or other ventilation system was present at the jobsite; and
 - (iii) State whether the employer, any governmental agency, any union or any other person took air samplings at any jobsite at which injured plaintiff/decendent worked, and, if so, identify the person(s) who took the air samples, the dates such air samples were taken and the persons presently having possession or control of any documents relating to such air samples.

ANSWER:

15. For each of your worksites, please state:
- (a) The name of the worksite;
 - (b) The location of the worksite;
 - (c) As precisely as possible, the time period you worked at the worksite, including the total number of days you worked at the worksite;
 - (d) The name and address of each of your employers;
 - (e) Your job title(s);
 - (f) Each kind of work you performed at the worksite;
 - (g) Whether there was one or more occasions when you worked with or around raw asbestos or asbestos-containing material(s) at the worksite. For subsequent occasions at a given worksite, information which is unchanged need not be repeated. If "yes", for each occasion, please state:
 - (I) The specific area within the worksite where you worked with or around raw asbestos or asbestos-containing material(s);

- (ii) As precisely as possible, the time period of each such occasion, including the total number of days of each such occasion;
- (iii) Identify all person(s) who directed your day-to-day work activity and that person(s)' employer;
- (iv) Identify all persons who were your co-workers on this occasion;
- (v) Identify all persons who have information regarding your work with or around raw asbestos or asbestos-containing material(s) on this occasion;
- (vi) List each contractor you and/or your attorney allege installed and/or removed raw asbestos or asbestos-containing material(s) during your work at that site;
- (vii) List each contractor you and/or your attorney allege installed and/or removed raw asbestos or asbestos-containing material(s) prior to your work at that site;
- (viii) Identify all documents in your possession or under your control relating to your work on this occasion, including but not limited to travel logs, diaries, work logs, calendars, time sheets, photographs, drawings and union logs or summaries.
- (ix) Identify all other documents of which you or your attorneys are aware relating to your work on this occasion, including but not limited to time sheets, invoices, purchase orders, contracts, specifications, photographs, drawings, job logs, work requests and union dispatch slips.
- (x) Whether you installed, removed, disturbed or handled raw asbestos or asbestos-containing material(s) during the occasion. If "yes";
 - A. Describe each raw asbestos or asbestos-containing material(s) you installed, removed, disturbed or handled during the occasion;
 - B. Describe specifically the work you performed regarding each raw asbestos or asbestos-containing material including whether the work was performed indoors or outdoors;
 - C. State whether your employer took any safety precautions to protect you from breathing dust. If "yes", describe each safety precaution taken;
 - D. State whether your union or employee association took any safety precautions to protect you from breathing dust. If "yes", describe each safety precaution taken; and
 - E. State whether you took any safety precautions to protect you from breathing dust. If "yes", describe each safety precaution taken.
- (xi) Whether you allege any exposure to asbestos from raw asbestos or asbestos-containing material(s) other than those you personally

installed, removed, disturbed or handled yourself during the occasion. If “yes”:

- A. Describe specifically the work you performed during the occasion, including whether the work was performed indoors or outdoors;
- B. Describe each raw asbestos or asbestos-containing material(s) that released the asbestos fibers to which you allege exposure.
- C. List the trade(s) using the raw asbestos or asbestos-containing material(s) and identify the employer of each trade;
- D. Describe the manner in which each trade used the raw asbestos or asbestos-containing material(s), (for example: installed, removed, disturbed or handled);
- E. Describe:
 - (I) The area where the trades using the raw asbestos or asbestos-containing material(s) worked, and;
 - (ii) The approximate distance from that area to the area where you worked;
- F. State whether your employer took any safety precautions to protect you from breathing dust (for example: work segregation, ventilation, wet-down, hazard education, working signs, respiratory protection). If “yes”, describe each safety precaution taken;
- G. State whether your union or employee association took any safety precautions to protect you from breathing dust. If “yes”, describe each safety precaution taken; and
- H. State whether you took any safety precautions to protect you from breathing dust. If “yes”, describe each safety precaution taken.

ANSWER:

16. If you are aware that any person you have identified in the preceding Interrogatory Nos. 14 and 15 has had his or her deposition taken, identify the deposition by the name of the deponent, the date the deposition was taken, the caption and number of the action in which it was taken, the court which has jurisdiction over the action in which it was taken (including state and county) and either the name and address of the court reporting agency which took the deposition or the name and address deponent’s counsel of record.

ANSWER:

17. Either (1) attach all documents evidencing the information sought in these interrogatories and their subparts to your answers to these interrogatories, or (2) attach disks containing such data, or (3) describe such documents with sufficient particularity that they may be made the subject of a request for production of documents.

ANSWER:

18. Did injured plaintiff/decedent ever lose a job, change jobs or change his position with an employer for health reasons?

If your answer is yes, state as to each such event:

- (a) The employer and job position which injured plaintiff/decedent left;
- (b) The date of such event;
- (c) The health reason for such event; and
- (d) The new employer and/or job position which injured plaintiff/decedent next assumed.

ANSWER:

19. Are you aware of, have you ever seen, or do you or your attorney possess or have access to any photographs, charts, drawings, diagrams or other graphic representations depicting work conditions at work sites where you claim injured plaintiff/decedent was exposed to asbestos materials and/or asbestos-containing products?

If your answer is yes, with respect to each:

- (a) Identify each such photograph or other document, including a statement as to which views, scenes or objects it purports to depict, the person who took or prepared each such photograph or other document, and the date taken or prepared;
- (b) State whether the photograph or other document was prepared on your behalf or on behalf of other persons allegedly exposed to asbestos or as a result of circumstances relating to this or any other lawsuit; and
- (c) Attach a copy.

ANSWER:

20. During the period of time for which you claim injured plaintiff/decedent was exposed to asbestos materials and/or asbestos-containing products, did injured plaintiff/decedent share a household with any other person(s) who worked or was employed outside the household?

If your answer is yes, identify:

- (a) Each such other person;
- (b) The period(s) of time each such other person shared such household;
- (c) The period(s) of time each such other person worked or was so employed;
- (d) The nature of each job held or job title for each such other person in each such period of time; and
- (e) Each and every employer of each such other person in each such period of time.

ANSWER:

D. TOXIC EXPOSURE

21. Was injured plaintiff/decendent ever exposed to or did injured plaintiff/decendent ever use, inhale or ingest any of the following substances on a regular basis or at work?

If your answer is yes, state the date(s), place(s), and circumstances thereof:

- (a) Acids;
- (b) Aluminum;
- (c) Ammonia;
- (d) Arsenic;
- (e) Barium;
- (f) Beryllium;
- (g) Butanol;
- (h) Cadmium;
- (I) Carborundum;
- (j) Chloroethylene;
- (k) Chlorine;
- (l) Chromate;
- (m) Chromite;
- (n) Chromium;
- (o) Coal and/or coal dust
- (p) Coal tar;
- (q) Cotton dust;
- (r) Creosote;
- (s) Epoxy;
- (t) Ethanol;
- (u) Formaldehyde;
- (v) Grinding dust;
- (w) Iron;
- (x) Isocyanates;
- (y) Isopropanol;

- (z) Lead;
- (aa) Live chickens;
- (bb) Manganese;
- (cc) Nickel;
- (dd) Nitrogen dioxide;
- (ee) Nuclear radiation;
- (ff) Ozone;
- (gg) Petroleum distillates;
- (hh) Phosgene;
- (ii) Radiation;
- (jj) Silica;
- (kk) Titanium
- (ll) Toluene;
- (mm) Welding smoke or fumes;
- (nn) Zylene; or
- (oo) Zinc.

ANSWER:

22. From the time of his birth to the present or to the time of his death, did injured plaintiff/decendent ever use cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance?

If your answer is yes, state the following:

- (a) The brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco);
- (b) The period(s) during which he used each such product;
- (c) The amount of the product used per day, during each period of time (e.g., 2 packs of cigarettes per day for 2 years);
- (d) Whether injured plaintiff/decendent was ever told that he was suffering from any disease or illness contributed to or caused by use of tobacco, and if so identify each person who gave injured plaintiff/decendent any such advice, the dates on which the advice was given, and state exactly what, if anything, injured plaintiff/decendent did in response to that advice;
- (e) Whether the injured plaintiff/decendent was ever advised that use of tobacco products could adversely affect his health, and if so, identify each person who gave injured plaintiff/decendent any such advice, the dates on which the advice was given, and state exactly what, if anything, injured plaintiff/decendent did in response to that advice; and
- (f) Whether injured plaintiff/decendent was ever advised to stop using tobacco products, and if so, identify each person who gave injured plaintiff/decendent any such advice, the dates on which the advice was given, and state exactly what, if anything, injured plaintiff/decendent did in response to that advice.

ANSWER:

23. For each spouse and member of injured plaintiff's/decendent's household, from injured plaintiff's/decendent's birth until the present or until his death, state whether each individual ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, and if so, state the following for each:

- (a) The brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco);
- (b) The period during which he used each such product; and
- (c) Whether he was ever told by a doctor that he is or was suffering from any disease or illness caused or contributed to by his use of tobacco, and if so, when and by whom.

ANSWER:

24. If injured plaintiff/decendent ever worked in an office or other enclosed space, state whether injured plaintiff/ decendent shared a room with anyone who used or smoked cigarettes, cigars or pipes.

ANSWER:

25. Did injured plaintiff/decendent consume alcoholic beverages?

If your answer is yes, state the following:

- (a) The type of alcoholic beverages consumed;
- (b) The periods during which injured plaintiff/ decendent consumed each such alcoholic beverage;
- (c) The amount of such beverage injured plaintiff/decendent consumed each day during each period of use; and
- (d) Whether injured plaintiff/decendent was ever treated for any illness or disease related to his consumption of alcoholic beverages or was ever advised to reduce his consumption.

ANSWER:

26. Did injured plaintiff/decedent ever take any prescription medication, any nonprescription medication, or any other drugs for the treatment of respiratory problems, cardiac problems, gastrointestinal problems, cancer, or any chronic health condition or illness?

If your answer is yes, state for each:

- (a) The medication or drug taken;
- (b) The amount of medication or drug taken and the period over which it was
- (c) The reason for taking the medication or drug; and
- (d) If the medication was prescribed:
 - (I) Identify the person prescribing the medication;
 - (ii) Identify the pharmacy filling the prescription; and
 - (iii) Produce any document reflecting the prescribing, filling, or payment of any prescription medication.

ANSWER:

E. RESPIRATORY EQUIPMENT

27. If any of your employers ever suggested, recommended or required that you should use any device to reduce your possible exposure to, or inhalation of, asbestos, state for each such employer:

- (a) Its name, address and telephone number;
- (b) The date, time and place when the suggestion, recommendation or requirement was first made, together with the name, and employment position of the person making the suggestion or recommendation;
- (c) The type, make and model of each device referred to in each suggestion, recommendation or requirement;
- (d) The nature of any action, if any, taken by you in response to each such suggestion, recommendation or requirement;
- (e) A detailed description of your reasons for any response to each such suggestion, recommendation or requirement that was short of complete conformance thereto.

ANSWER:

28. Describe any and all respiratory equipment and each manufacturer and/or distributor of that equipment that you claim you used within the relevant time period of this lawsuit and that you claim caused or contributed the injuries set forth in your responses to interrogatories. For each product include: the date(s) when you used each such product; the name and address of your employer when you used each such product; a detailed description of its name, size, shape, color, general appearance, model number, the number of pieces when unassembled, and the

presence of any identifying marks, numbers, or other printing that appeared directly on the product, and the nature and extent of packaging of the product along with a description of any printing that appeared on such packaging.

ANSWER:

29. If you contend that any representations were made to you that respiratory equipment provided to you was either appropriate or inappropriate for use by you in handling or working in close proximity with dust or any related material, provide;

- (a) A detailed description of each respiratory equipment or device for which each such representation was made, including its size, shape, color, general appearance, model number, the number of pieces when unassembled, and the presence of any identifying marks, numbers, or other printing that appeared directly on the product, and the nature and extent of packaging of the product along with a description of any printing that appeared on such packaging;
- (b) Whether any such representation was made orally, in writing or a combination of both;
- (c) A description of each person or persons making or providing representations including each such person's name, address, and job title;
- (d) The location where each such representation was made to you;
- (e) The date each such representation was made to you;
- (f) If written materials of any type were involved in the making of such a representation to you, describe the nature of such written materials and whether you still possess any of those materials;
- (g) If the representation was made to you orally (in whole or in part) please identify the full and complete content and form of each such representation.

ANSWER:

30. With regard to all respiratory equipment that you claim you used within the relevant time period of this lawsuit, describe in detail any and all sales literature, promotional materials, instructions, warnings, warranties, limitations of liability, printed packaging and/or other written representations made or given to you, including:

- (a) The nature of the written representations made or given to you;
- (b) The identity, including name and last known address and job title, of each person who made or gave such written representations to you;
- (c) The date and location where each such written representation was made or given to you;
- (d) The nature and extent of your response to each such written representation.

ANSWER:

31. For each representation described in response to Interrogatory Nos. 29 and 30 state in what way the representation failed to provide adequate warnings and/or instructions for the use of each of the respiratory equipment referred to in your response to Interrogatory Nos. 29 and 30.

- (a) For each product described in response to Interrogatory No. 28 describe in what manner each product was defective, unreasonably dangerous or in a dangerous condition including:
 - (I) The nature and cause of each claimed defect, each way in which the product was unreasonably dangerous or was in a dangerous condition;
 - (ii) A description of all facts upon which your contentions set forth in response to sub-part a. above, are based.
- (b) If you allege that any defendant violated any safety codes as an element of negligence or as causally related to any and all claims made by you, set forth:
 - (I) A full and complete description of each code along with each and every applicable section or provision of each code which you claim was violated;
 - (ii) Describe the manner in which each such section or provision was allegedly violated;
 - (iii) Identify the name and address of the person(s) allegedly involved in each alleged violation;
 - (iv) Set forth the date and location of each such alleged violation.

ANSWER:

32. If you, or anyone acting on your behalf, has caused any respirator, mask, hood or other respiratory device used by you, or of a type used by you, to be tested, inspected or evaluated, please state for each such test, inspection or evaluation:

- (a) The date it was made;
- (b) The name of the manufacturer of each such device;
- (c) The model number and name of each such device;
- (d) A description of the test;
- (e) The name, address, job title and employer of each person participating in and/or conducting such tests, etc.;
- (f) The results of the test;
- (g) The name, address, job title and employer of each and every person known to have copy of any report setting forth the results of the test.

ANSWER:

F. PRODUCT INFORMATION

33. State with regard to each asbestos material and/or asbestos-containing product to which injured plaintiff/decendent allegedly has ever been exposed, or which the injured plaintiff/decendent allegedly has ever used, ingested or inhaled:

- (a) The kind or type of material or product, using its generic name (e.g., asbestos block, asbestos cement, asbestos cloth, brake linings);
- (b) The trade name, brand name and trade symbol;
- (c) The name of the manufacturer, distributor(s), and miner(s) of such material or product;
- (d) The color, dimensions, shape, form, texture, weight, appearance and flexibility of each material or product;
- (e) The appearance of the package or container, indicating the manner of packaging, size, dimensions, color and weight;
- (f) The name, logo, label, numerical and alphabetical markings and other markings or words, including warnings on the material product, package and/or container;
- (g) The dates of injured plaintiff's/decendent's exposure to each material or
- (h) The exact location(s) at which injured plaintiff/decendent was working, indicating each jobsite, ship building and place where injured plaintiff/decendent was exposed to, used, ingested or inhaled each material or product, and for each:
 - (I) State the dates of the exposure;
 - (ii) Identify injured plaintiff's/decendent's employer at the time of
 - (iii) Describe injured plaintiff's/decendent's activities and duties at the time of exposure.
- (I) Whether or not you contend that exposure to such material or product caused injured plaintiff's/decendent's injuries or damages;
- (j) The identity of all sources of information stated in response to subparts (a) through (I) (including your personal knowledge, witnesses and documents); and for each source state the material and/or product identified and the factual basis of the identification.

ANSWER:

34. If you contend that injured plaintiff/decendent was exposed to, used, ingested or inhaled asbestos materials and/or asbestos-containing products at any time other than in the scope of his employment, state for each such exposure:

- (a) The date, location and circumstances;

- (b) The type of material or product, using its generic name (e.g., asbestos block, asbestos cement, asbestos cloth, brake linings);
- (c) The trade name, brand name and trade symbol;
- (d) The name of the manufacturer, distributors and miners of such material or product;
- (e) The color, dimensions, shape, form, texture, weight, appearance and flexibility of each material or product;
- (f) The appearance of the package or container, indicating the manner of packaging, size, dimensions, color and weight;
- (g) The name, logo, label, numerical and alphabetical markings and other markings or words, including warnings, on the material, product, package and/or container; and
- (h) The identity of all sources of information stated in response to subparts (a) through (g) (including your personal knowledge, witnesses and documents); and for each source state the material or product identified and the factual bases of the identification.

ANSWER:

35. Are you aware of, or have you ever seen, or do you possess or have access to any photographs of asbestos materials or asbestos-containing products or any cartons containers, labels or wrappers of any asbestos materials or asbestos-containing products which you claim injured plaintiff/decedent actually applied or was exposed to?

If your answer is yes, state:

- (a) The identity of each such photograph or other document, including a statement as to which objects it purports to depict, the person who took or prepared each such photograph or other document, and the date taken or prepared;
- (b) Whether each such photograph or other document was prepared on your behalf or on behalf of other persons allegedly exposed to asbestos or as a result of circumstances relating to this or any other lawsuit; and
- (c) Attach a copy.

ANSWER:

35A. Have you or has injured plaintiff/decedent ever identified an asbestos material or asbestos-containing product or any cartons, containers, labels or wrappers of any asbestos materials or asbestos-containing products which you claim injured plaintiff/decedent actually

applied or was exposed to from a photograph displayed to you or injured plaintiff/decendent by you attorney?

If your answer is yes, state:

- (a) The identity of each such photograph or other document, including a statement as to which objects it purports to depict, the person who took or prepared each, such photograph or other document and the date taken or prepared;
- (b) Whether each such photograph or other document was prepared on your behalf or on behalf of other persons allegedly exposed to asbestos or as a result of circumstances relating to this or any other lawsuit; and
- (c) Attach a copy.

ANSWER:

36. Other than those persons identified in your answers to interrogatories 33 through 35, identify anyone with knowledge of asbestos products to which injured plaintiff/decendent may have been exposed, and as to each such person:

- (a) Identify the person's employer at the time of the alleged asbestos exposure;
- (b) State the nature of the person's work;
- (c) Identify the particular jobsite(s) where the person worked; and
- (d) State the person's dates of employment.

ANSWER:

37. Identify by date, vendee (e.g., Government Services Administration, United States Navy, Brooklyn Navy Shipyard or private entity or individual), vendee representative, and vendor representative, if any, all invoices, bills, statements, and any other writings or records which you contend evidence the sale of any products containing asbestos to any of the places of employment at which you claim that injured plaintiff/decendent was exposed to asbestos. In addition, identify the present custodian of each item.

ANSWER:

F. CLAIMS AGAINST DEFENDANTS

38. State separately as to each defendant;
- (a) Each and every alleged act or omission constituting negligence;
 - (b) The identity of all persons allegedly acting or omitting to act on behalf of the defendant; and

- (c) How and in what manner such act or omission caused or contributed to injured plaintiff's/decendent's injury.

ANSWER:

39. If you contend that the inhalation of asbestos dust and/or asbestos-containing particles is highly dangerous and the proximate cause of any disease, state:

- (a) The diseases allegedly caused;
- (b) The basis for the contention; and
- (c) The date(s) on which it allegedly became well established or well known that the inhalation of asbestos dust and/or asbestos-containing particles is highly dangerous and the proximate cause of the diseases listed in response to sub part (a).

ANSWER:

40. If you contend that any defendant violated or was negligent in following any trade standards, safety standards, statutes, rules, regulations or ordinances for the mining, design, production, or manufacturing process or use for asbestos or any asbestos-containing products identify such defendants and state with respect to each defendant:

- (a) The name and citation of each standard, statute, rule, or regulation which you contend the defendant violated and the date of each such violation; and
- (b) The manner in which the defendant violated or was negligent in following the standard, statute, rule, or regulation described in subpart (a) of this interrogatory.

ANSWER:

41. If you contend that any defendant knew or should have known that the asbestos present in asbestos-containing products allegedly mined, manufactured, distributed and/or sold by such defendant was inherently dangerous, defective, ultra-hazardous, unsound for use, or otherwise harmful, identify such defendants and with respect to each defendant;

- (a) Identify the persons acting on its behalf who allegedly had actual knowledge that the asbestos contained in any product of such defendant was inherently dangerous, defective, ultra-hazardous, unsound for use or otherwise harmful;
- (b) State the substance and date of the actual knowledge possessed by each person identified in subpart (a) above;

- (c) Identify all documents which support each contention, giving a summary of the substantive contents of each or, alternatively, attach such documents hereto; and
- (d) State the complete factual basis for any contention that such defendant should have known of the alleged dangers of asbestos or asbestos-containing products.

ANSWER:

42. If you contend that any defendant failed to properly warn or instruct injured plaintiff/decendent as to the dangers of asbestos or asbestos-containing products, identify such defendants and with respect to each defendant:

- (a) Identify the product(s); and
- (b) Describe the exact danger or hazardous condition or use of said product(s) about which you contend such defendant should have warned or instructed injured plaintiff/decendent.

ANSWER:

43. If you contend that any defendant's negligence consisted of the use of an improper or unsuitable design for asbestos or asbestos-containing products, identify such defendants and with respect to each defendant describe how its design was improper or unsuitable for the product.

ANSWER:

44. If you contend that injured plaintiff's/decendent's medical condition(s) was due to any defendant's negligence in the mining, manufacture or assembly of any asbestos and/or asbestos containing product, identify each such defendant and each such asbestos and/or asbestos-containing product and with respect to each defendant and each product:

- (a) State each act which such defendant did or failed to do in the manufacture or assembly of such product which caused or contributed to injured plaintiff's/decendent's medical condition(s);
- (b) Describe the defect or defective condition the product which you contend was caused any such defendant's conduct as described in subpart (a) of this interrogatory; and
- (c) Describe what you contend such defendant should have done, or should have refrained from doing, in the mining, manufacture or assembly of the product.

ANSWER:

45. If you contend that injured plaintiff's/decendent's injuries or damages were in any way due to any defendant's negligence in the testing or inspection of asbestos or any asbestos containing product, identify each such defendant and each such asbestos and/or asbestos-containing product and with respect to each defendant and each product:

- (a) State each act which such defendant did or failed to do in the testing or inspection of the product which caused injured plaintiff's/decendent's medical condition(s);
- (b) Describe the defect or defective condition in the product which you contend was caused by such defendant's conduct as described in subpart (a) of this interrogatory; and
- (c) Describe what you contend such defendant should have done, or should have refrained from doing, in the testing or inspection of the product.

ANSWER:

46. If you contend that any defendant stated, advertised, or otherwise represented to injured plaintiff/decendent or to any other purchaser or user that there were no health hazards associated with asbestos and/or asbestos-containing products, identify each such defendant and with respect to each defendant state:

- (a) The content of each such statement, advertisement or representation;
- (b) The date, place and manner of such acts;
- (c) All facts which support each such contention; and
- (d) The identity of all persons involved in such contentions.

ANSWER:

47. If you contend that asbestos or any asbestos-containing product failed to satisfy any express warranty or other representation of any defendant concerning potential uses or standards of performance, or that asbestos or any asbestos-containing product was unfit for its intended use, identify each such product and defendant and with respect to each product and defendant:

- (a) State the content and source of all representations or warranties which allegedly were not fulfilled;
- (b) State all the facts which you contend prove the existence of the warranties or representations as described in subpart (a);
- (c) Describe the manner in which the product did not conform to the above-described warranties or representations;
- (d) State the date(s) on which injured plaintiff/decendent gave notice of said breach(es) of warranty or misrepresentation(s);

- (e) State to whom and in what manner injured plaintiff/decendent gave notice of said breach(es) of warranty or misrepresentation(s);
- (f) State how long after injured plaintiff/ decendent was exposed to, used, ingested or inhaled the product did injured plaintiff/decendent give notice of said breach(es) of warranty or misrepresentation(s); and
- (g) If injured plaintiff/decendent did not give notice of said breach(es) of warranty or misrepresentation(s), state why said notice was not given, whether you contend that each defendant was not prejudiced by lack of notice or lack of timely notice, and the facts upon which you rely in support of that contention.

ANSWER:

48. If you contend that asbestos or any asbestos containing product failed to satisfy any implied warranty or other representation of any defendant concerning potential uses or standards of performance, or that asbestos or any asbestos-containing product was unfit for its intended use, identify each such product and defendant and with respect to each product and defendant:

- (a) Describe the manner in which the product did not conform to the above-described warranties or representations;
- (b) Explain how insured plaintiff/decendent relied upon the warranties or representations; and
- (c) State in what manner each defendant's breach of any or all warranties or misrepresentations as alleged contributed to or caused injured plaintiff's/decendent's injuries or damages, giving full details as to how the proper fitness or quality of the product would have prevented injured plaintiff's/ decendent's injuries or damages.

ANSWER:

49. If you contend that asbestos or any asbestos containing product was inherently dangerous when put into normal or foreseeable use or operation, identify each such product and defendant and describe the alleged inherent danger or hazard in the product.

ANSWER:

50. If you contend that any defendant conspired to deprive the public, injured plaintiff/decendent and others similarly situated of relevant medical and scientific data, or actively defrauded the public, injured plaintiff/decendent and others similarly situated, by the solicitation of

favorable scientific and medical data, or otherwise, identify each defendant against whom such claim is made and state:

- (a) The date, place and manner of such acts;
- (b) The medical and scientific data of which the public was deprived or which was solicited;
- (c) All facts which support each such contention; and
- (d) The identity of all persons involved in such contentions.

ANSWER:

51. If you contend that any defendant acted in concert to deprive injured plaintiff/decendent, the public and others similarly situated, or to actively defraud injured plaintiff/decendent, the public and others similar situated, identify each defendant against whom such claim is made and state:

- (a) The date, place and manner of such acts;
- (b) All facts which support each such contention; and
- (c) The identity of all persons involved in such contentions.

ANSWER:

52. If you contend that intentional conduct of any defendant is actionable, identify each such defendant and with respect to each defendant state:

- (a) The intentional conduct;
- (b) The date, place and manner of such acts;
- (c) All facts which support such contention; and
- (d) The identity of all persons involved in such contentions.

ANSWER:

53. If you contend that any defendant intentionally suppressed and/or concealed by affirmative act material facts as to health hazards associated with the purchase of, use of, and/or exposure to asbestos or any asbestos-containing product, identify each such defendant and state as to each:

- (a) The date, place and manner of such affirmative acts;
- (b) The material facts suppressed or concealed;
- (c) All facts which support each such contention; and
- (d) The identity of all persons involved in such acts.

ANSWER:

54. If you are asserting claims based upon market share or percentage of injured plaintiff's/decedent's total alleged contact or exposure to asbestos or materials containing asbestos:

- (a) State the market share or percentage which you attribute to each individual or entity which you claim was a manufacturer or supplier of asbestos or materials containing asbestos;
- (b) Indicate or identify:
 - (I) The manner of and the factors relied upon in making each such percentage calculation;
 - (ii) The individuals assisting you or otherwise involved in calculating the above percentages,
 - (iii) All documents, writings or other records, if any, relied upon in your calculation and the present and identity of the present custodian of each such document, writing or other records; and
- (c) If you are unable to attribute such percentages, state all efforts you have made to ascertain such percentages.

ANSWER:

55. If you contend that you are entitled to punitive damages against any defendant, identify each such defendant and with respect to each defendant state the basis for this contention.

ANSWER:

G. WARNINGS AND SAFETY PRACTICES

56. List all publications which injured plaintiff/decedent regularly received or read.

ANSWER:

57. Did injured plaintiff/decedent regularly receive or read "The Asbestos Worker"?

ANSWER:

58. Did injured plaintiff/decedent at any time receive or learn about any advice, publication, warning, order, directive, requirement, or recommendation, whether written or oral,

which advised or warned of the possible harmful effects of exposure to, or inhalation of, asbestos, or asbestos-containing products?

If your answer is yes, state:

- etc.;
- (a) The nature and exact wording of such advice, warning, recommendation,
 - (b) The identity of each source of such advice, warning, recommendation, etc.;
 - (c) The date, time, place, manner and circumstances when each such advice, warning, recommendation, etc. was given; and
 - (d) The identity of each witness to decedent's receipt of such advice, warning, recommendation, etc.

ANSWER:

59. Was injured plaintiff/decedent ever a member of any labor union?

If your answer is yes, state:

- (a) The identity of each local, national and international union;
- (b) The inclusive dates of injured plaintiff's/decedent's membership; and
- (c) Any position(s) injured plaintiff/decedent held with each such union, and the dates during which he held such positions.

ANSWER:

60. Did injured plaintiff/decedent receive any newspapers, newsletters, or other publications from any labor union? If your answer is yes, state whether such publications ever discussed the subject of worker exposure to asbestos, and if so:

- (a) Identify the publication; and
- (b) State the date(s) that such publication discussed the subject of asbestos and the nature of said discussion.

ANSWER:

61. Did injured plaintiff/decedent ever attend any international, national, regional or local union meetings, seminars, conferences, or conventions where the subject of occupational health, and, in particular, exposure to asbestos was discussed?

If your answer is yes:

- (a) Identify such meeting, seminar, conference or convention and state the date(s) and place held;
- (b) State the reason and/or official capacity for injured plaintiff/decedent attending;
- (c) Identify the speaker(s);
- (d) Summarize the information presented concerning exposure to asbestos; and

- (e) Identify any persons with whom injured plaintiff/decendent discussed the information presented.

ANSWER:

62. Was injured plaintiff/decendent ever informed by any employer or by any person in an official capacity in his local or international union of any possible hazards associated with exposure to asbestos dust or fiber?

If your answer is yes, state:

- (a) The identity and official capacity of the individual or individuals who furnished injured plaintiff/decendent with such information;
- (b) The date and place such information was furnished;
- (c) The manner in which such information was communicated;
- (d) The nature of such information; and
- (e) What action, if any, injured plaintiff/decendent took in response to such

ANSWER:

63. Did injured plaintiff/decendent ever see any warning labels on packages or containers of asbestos products?

If your answer is yes, state:

- (a) The type of product using its generic name;
- (b) The trade name, brand name and trade symbol;
- (c) The name of the manufacturer, distributors and miners of such product;
- (d) The appearance of the package or container, indicating the manner of packaging, size, dimensions, color and weight;
- (e) The name, logo, label, numerical and alphabetical markings or words on the package or container;
- (f) When and where injured plaintiff/decendent saw the labels; and
- (g) The nature of the warnings.

ANSWER:

64. Did injured plaintiff/decendent ever see or receive any information, instruction, direction, warning, or directive, from any source whatsoever, concerning alleged dangers of exposure to asbestos materials or asbestos-containing products?

If your answer is yes, identify:

- (a) Each such warning, directive, notification, direction, instruction, or
- (b) The means by which such was given to injured plaintiff/decendent;
- (c) The source and the date on which it was received by injured

- (d) Injured plaintiff's/decendent's response or reaction, including any complaints made or changes in work habits.

ANSWER:

65. Did injured plaintiff/decendent have available for use during any period of his employment, respirators or masks or other dust inhalation inhibitor or protective gear?

If your answer is yes, state:

- (a) The period of time during which said items were available;
- (b) What instructions were given with regard to the use of each of said items;
- (c) Whether injured plaintiff/decendent used said items and the dates of his use;
- (d) What percentage of time during which injured plaintiff/decendent was exposed to asbestos materials or asbestos-containing products, injured plaintiff/decendent and used said items; and
- (e) Whether injured plaintiff/decendent ever requested said items, and if so, when, where and to whom the request was made, and the response to the request.

ANSWER:

66. Did anyone, at any time, suggest, recommend or require that injured plaintiff/decendent use a respirator or mask or other dust inhalation inhibitor or protective gear when he used or was exposed to asbestos materials or asbestos-containing products or dust?

If your answer is yes, state:

- (a) The identity of the person or entity making such suggestion, recommendation or requirement;
- (b) The date on which each such suggestion, recommendation or requirement was made;
- (c) The substance of each such suggestion, recommendation or requirement;
- (d) What action, if any, injured plaintiff/decendent took in response to each suggestion, recommendation or requirement.

and

ANSWER:

H. MEDICAL INFORMATION

67. For every Physician by whom injured plaintiff/decendent has ever been treated or examined or with whom injured plaintiff/decendent consulted, state the following:

- (a) The identity of the Physician;
- (b) Dates of treatment, examination or consultation; and
- (c) The nature of such treatment, examination or consultation.

ANSWER:

68. For every Health Care Institution in which injured plaintiff/decedent has ever been admitted, treated, tested or examined, whether as an in-patient or as an out-patient, state:

- (a) The identity of the Health Care Institution
 - (b) The date of and nature of each admission, treatment, test or examination;
- and
- (c) The diagnosis at each admission, treatment, test or examination.

ANSWER:

69. For each and every medical condition which you contend is directly or indirectly related to injured plaintiff's/decedent's exposure to asbestos or asbestos-containing products, state:

- (a) The nature and description of such medical condition;
- (b) The disease, disability or physical condition to which said medical condition is related and the nature and extent of such relationship;
- (c) The date on which injured plaintiff/decedent first exhibited signs of the medical condition;
- (d) The date upon which each medical condition was first reported to a Physician;
- (e) The identity of each Physician to whom said medical condition was reported;
- (f) Any physical change in injured plaintiff's/ decedent's appearance occasioned by such medical condition;
- (g) Each part of injured plaintiff's/decedent's body which you contend had been thus affected;
- (h) Whether you claim that such medical condition caused injured plaintiff/decedent to suffer a disability and, if so, when injured plaintiff/decedent first suffered such a disability; and
- (I) The date each such medical condition ceased to affect injured

ANSWER:

70. State the date that injured plaintiff/decedent first noticed, if ever, each of the following symptoms or complaints:

- (a) Shortness of breath;
- (b) Crackling noises in the lungs;
- (c) Coughing;

- (d) Clubbing or swelling of the fingers;
- (e) Discoloration of the skin;
- (f) Wheezing;
- (g) Chest pain;
- (h) Abdominal swelling;
- (I) Weight loss;
- (j) Respiratory discomfort or pain; and
- (k) Sputum Production

ANSWER:

71. State when injured plaintiff/decendent was first diagnosed as suffering from an asbestos-related medical condition and include in your answer:

- (a) The date of such diagnosis;
- (b) The identity of the diagnosing Physician and state whether said Physician
 - (I) Fibrosis;
 - (ii) Pleural plaques;
 - (iii) Calcification;
 - (iv) Dyspnea;
 - (v) Emphysema;
 - (vi) Tuberculosis; or
 - (vii) Disease grade (i.e., 1, 2, 3, 4) pneumonia.
- (c) The identity of any Health Care Institution or Physician involved in any part of such diagnosis;
- (d) The identity of every person, including injured plaintiff's/decendent's relatives, employer, or anyone acting on his behalf, to whom such diagnosis was made known, including the date, time and place, and the identity of anyone witnessing said revelation;
- (e) Whether injured plaintiff/decendent continued to engage in any activity or occupation where he was exposed to asbestos materials after he was informed of such diagnosis;
- (f) The course of treatment or therapy prescribed, including any medication, as a result of such diagnosis, and the identity of each prescribing Physician;
- (g) Whether injured plaintiff/decendent followed the treatment, medication or therapy regimen prescribed by each of the said Physicians for the treatment of said diagnosed medical condition; and
- (h) The identity of every Physician subsequently affirming or making the same diagnosis.

ANSWER:

72. Did any of the Physicians identified in response to Interrogatory No. 71 inform injured plaintiff/decedent at any time that his asbestos-related medical condition may have been caused by factors other than exposure to asbestos or asbestos-containing products?

If your answer is yes, state:

- (a) The other factors or reasons involved;
- (b) The identity of the Physicians so informing injured plaintiff/decedent;
- (c) The dates that said Physicians so informed injured plaintiff/decedent; and
- (d) State whether any such factors or reasons were excluded as possible sources or causes of the medical condition.

ANSWER:

73. State the following with regard to injured plaintiff's/decedent's medical condition:

- (a) The identity of each Physician who treated, examined or consulted with injured plaintiff/decedent, the dates of said treatment, examination or consultation and any diagnosis made and the date of diagnosis;
- (b) The identity of each Health Care Institution in which injured plaintiff/decedent was confined, treated or examined, stating the inclusive dates of any hospitalization and/or the dates of any out-patient treatment, the diagnosis made, the date of diagnosis, and the nature of the treatment; and
- (c) If the injured plaintiff/decedent is presently under a Physician's care for his medical condition(s), or was at the time of his death, state:
 - (I) The identity of each Physician;
 - (ii) Any drugs or treatments prescribed by each Physician; and
 - (iii) The dates of injured plaintiff's/ decedent's visits or treatments.

ANSWER:

74. If injured plaintiff/decedent ever had any medical symptoms, complaints, injuries, illnesses, accidents or operations or any medical complaints, injuries, illnesses or accidents requiring medical attention, other than those related to his asbestos-related medical condition(s), state with regard to each:

- (a) Its nature and the dates thereof;
- (b) The identity of each Physician who treated, examined or consulted with injured plaintiff/decedent in each such instance, the dates of said treatment, examination or consultation and any diagnosis made;
- (c) The identity of each Health Care Institution in which injured plaintiff/decedent was confined, treated or examined, stating the inclusive dates of any hospitalization or the dates of any out-patient treatment, the diagnosis made, the date of diagnosis, and the nature of the treatment; and
- (d) The nature and extent of any permanent disabilities or residual effects.

ANSWER:

75. If injured plaintiff/decedent ever underwent any periodic, pre-employment, employment-related, insurance-related, armed forces or national guard medical or physical examinations, state as to each such examination:

- (a) The entity (including, but not limited to, any employer, union or insurance company) who offered, required, or sponsored such examination;
- (b) The dates and locations of each such examination;
- (c) The identity of the Physician under whose supervision each examination was conducted; and
- (d) The nature and results of each such examination.

ANSWER:

76. State any disease, injury or preexisting condition of health which you contend contributed to, or may have contributed to, injured plaintiff's/decedent's medical condition(s).

ANSWER:

77. If you contend that injured plaintiff's/decedent's medical condition caused, or contributed to, the aggravation of any preexisting physical, nervous or mental condition, identify the preexisting condition and state the date injured plaintiff/ decedent first became aware that his medical condition had caused, or contributed to, an aggravation of any preexisting condition.

ANSWER:

78. Describe any pain, incapacity, inability to lead a normal life, inability to work, or disability (including retirement) alleged to have resulted from injured plaintiff's/decedent's medical condition, including the date and basis therefore.

ANSWER:

79. If you or your attorney have any medical reports from any persons or institution that ever treated or examined injured plaintiff/decedent at any time, provide copies of all of the reports.

If you object to the production of copies of any reports, state for each report:

- (a) The identity of the report; and
- (b) The reason it was prepared.

ANSWER:

80. Did injured plaintiff/decedent ever have any biopsies or tissue samples taken?
If your answer is yes, state for each such procedure:
- (a) The identity of each Physician performing such procedures;
 - (b) The date and place of such procedures; and
 - (c) The results, conclusions, and/or diagnoses arising from such procedures, and the dates on which injured plaintiff/decedent was advised of same.

ANSWER:

81. Were any pathology slides made from any of injured plaintiff's/decedent's tissue samples at any time?

If your answer is yes, for each set of slides made, state:

- (a) The identity of the Physician obtaining the tissue sample, the identity of the Health Care Institution where the tissue sample was obtained, and the date the tissue sample was obtained;
- (b) The identity of the Physician preparing the pathology slides, the identity of the Health Care Institution where the slides were prepared, and the date the slides were prepared;
- (c) The identity of all Physicians who have analyzed the pathology slides, the identity of the Health Care Institution where the analysis was done, and the date of the analysis;
- (d) The results of said analysis;
- (e) The conclusions and/or diagnoses arising from analysis of the pathology slides, and the dates on which injured plaintiff/decedent was advised of the results;
- (f) The current location of said slides; and
- (g) Provide appropriate authorization to view and/or obtain and make photographic reproductions of said slides.

ANSWER:

82. Did injured plaintiff/decedent ever have any chest, lung, or other respiratory system X-rays taken?

If your answer is yes, state for each set of x-rays:

- (a) If applicable, the identity of the physician ordering said x-rays;
- (b) The identity of the place where said x-rays were taken and the date;
- (c) The reason said x-rays were taken;
- (d) The identity of all Physicians who have read, analyzed, or interpreted said x-rays;

- (e) The results of said x-rays;
- (f) The conclusions and/or diagnoses arising from such procedure, and the dates on which injured plaintiff/decendent was advised of the results;
- (g) The location of all said X-ray films; and
- (h) Provide appropriate authorization to view or obtain and make photographic reproduction of said X-rays.

ANSWER:

83. Did injured plaintiff/decendent ever have any pulmonary function tests conducted? If your answer is yes, state for each such test:
- (a) If applicable, the identity of the Physician ordering said test;
 - (b) The identity of the place where said test was conducted and the date;
 - (c) The reasons said test was conducted;
 - (d) The identity of all Physicians who analyzed or interpreted said tests;
 - (e) The results of said test;
 - (f) The conclusions and/or diagnoses arising from such tests, and the dates on which injured plaintiff/decendent was advised of the results; and
 - (g) The identity of the person who advised injured plaintiff/decendent of the

ANSWER:

84. Did injured plaintiff/decendent ever consult with or was he ever seen professionally by a psychiatrist, psychologist or counselor? If your answer is yes, state:
- (a) The date of such consultation or visit; and
 - (b) If said consultation or visit occurred within the last ten years, or within ten years prior to decendent's death:
 - (I) The identity of the psychiatrist, psychologist or counselor; and
 - (ii) The reason for the consultation or visit

ANSWER:

85. If injured plaintiff/decendent was ever unable to work for more than one week due to a medical condition, describe for each such condition:
- (a) The nature of the condition;
 - (b) The identity of injured plaintiff's/decendent's treating Physician; and
 - (c) The dates of and length of time injured plaintiff/decendent was ill, disabled, or out of work.

ANSWER:

86. Did injured plaintiff/decedent ever make any claim for, or receive any, health or accident insurance benefits, social security benefits, state or federal benefits for disabilities, workers' compensation benefits, veterans' benefits, tort claims or suits, Federal Employers Liability Act claims or suits, Longshoremen and Harbor Workers Act claims or suits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to disability or his medical condition?

If your answer is yes, state:

- (a) The date and place where each such claim was made;
- (b) The identity of the entity with which the claim was made;
- (c) Any identifying number, such as a docket number, for each claim;
- (d) The defendant, agency, insurer, employer or other entity to or against whom the claim was made;
- (e) The nature of the claim; and
- (f) The result of such claim, including any amount received by way of settlement, judgment or award upon the claim.

ANSWER:

87. Was a death certificate prepared after the death of the decedent?

If the answer is yes, attach a copy to your responses to these interrogatories.

To the extent the death certificate does not indicate, state:

- (a) Whether it was filed;
- (b) The identity of the office in which it was filed;
- (c) The identity of the person listed on the certificate as the informant;
- (d) The relationship of the person listed as the informant to or connection with the decedent;
- (e) The identity and professional specialty of each Physician furnishing the information appearing on the death certificate;
- (f) The immediate cause of death; and
- (g) The exact time, date and place of death.

ANSWER:

88. Was an autopsy performed on the body of the decedent?

If the answer is yes, state for each autopsy:

- (a) The identity and official capacity of each person authorizing or ordering the autopsy;
- (b) The relationship to or connection with the decedent of each person authorizing or ordering the autopsy;
- (c) Why the autopsy was ordered;

- (d) The identity and professional specialty of each person performing the autopsy;
- (e) The date, time and place the autopsy was performed;
- (f) The cause of death shown by the autopsy;
- (g) The identity and occupation of each person having custody of the report of the results of the autopsy; and
- (h) Attach a copy of each autopsy report to your responses to these interrogatories or execute and provide appropriate authorizations to examine and obtain photocopies of said autopsy reports.

ANSWER:

I. DAMAGE

89. State, in the form of an itemized list, all special damages alleged in this lawsuit including, but not limited to, Physician services, Health Care Institution expenses, Ambulance expenses, X-rays, diagnostic tests, prescription drugs, physiotherapy, psychiatric services, and lost wages, and identify the person or organization to whom each item of expense was paid or due, and by whom each item of expense was paid. If there is any lien on the damages the plaintiff is claiming, identify the lienholder and state the total amount of lien.

ANSWER:

90. If you are making a claim for loss of earnings or impairment or earning power because of injured plaintiff's/ decedent's medical condition, state:

- (a) The identity of injured plaintiff's/decedent's employer, job classification and monthly or weekly rate of pay at the time of the onset of his medical condition;
- (b) Whether injured plaintiff/decedent had more than one employer during the three year period prior to the date of the onset of his medical condition, and if you answer is yes, identify each such employer, other than the one stated above, and injured plaintiff's/decedent's job classification, monthly or weekly rate of pay, and inclusive dates of such employment during the three year period;
- (c) Injured plaintiff's/decedent's total earnings for the period of three years prior to the onset of his medical condition;
- (d) The inclusive dates during which you allege that injured plaintiff/decedent was unable to work as a result of his medical condition and the total amount of pay you claim he lost because of this absence;
- (e) The date on which injured plaintiff/decedent started work again; and

- (f) The name and address of each employer for whom injured plaintiff/decendent worked, with inclusive dates of employment and indicating whether retired, each job classification injured plaintiff/decendent held and each monthly or weekly rate of pay which he received, from the date he first started working again after the onset of his medical condition through the present time, or to the time of death.

ANSWER:

91. Do you claim damages for loss of consortium, society, affection, services, or sexual enjoyment? If your answer is yes, set forth all facts on which this claim is based, including a complete description of the loss suffered. As to the alleged lost services, additionally provide:
- (a) The duration of the loss of any service; and
 - (b) The cost, if any, incurred to obtain substitute services.

ANSWER:

92. State fully and in detail the annual earnings for the past ten years, or the ten years prior to death, for injured plaintiff/decendent and injured plaintiff's/decendent's spouse.

ANSWER:

93. Do you have access to injured plaintiff's/ decendent's W-2 forms and income tax returns for the last ten years or the ten years prior to death?
If your answer is yes, attach copies to your responses to these interrogatories.
If not available, execute and provide a release in form acceptable to the Internal Revenue Service to obtain copies of said tax records.

ANSWER:

94. Itemize the expenses incurred in connection with the funeral, burial, cremation or other means of attending to decendent's remains.

ANSWER:

95. Did the decendent die testate?
If your answer is yes, state:
- (a) The date the will and each codicil was executed;
 - (b) Details of any attempts to revoke or invalidate the will;
 - (c) Whether the will has been filed for probate and, if so, the date and place;
 - (d) The identity of each executor named in the will;

- (e) Whether the estate is still in probate;
- (f) The identity of and relationship to the decedent of each beneficiary named in the will and the bequest or devise made to each;
- (g) The identity of each attorney of record to the probate of the will; and
- (h) Attach a copy of each will and codicil to your responses to these interrogatories.

ANSWER:

96. Has there been a contest of the will of the decedent?
If your answer is yes, state:
- (a) The identity of and relationship to the decedent of each person contesting the will;
 - (b) The date the contest was filed;
 - (c) The name of the court and the title and file number of the contest;
 - (d) The grounds for contesting the will; and
 - (e) How and when the contest was determined by the court.

ANSWER:

97. Did the decedent die intestate?
If your answer is yes, state:
- (a) Whether there is necessity for administration of the decedent's estate;
 - (b) Whether an application for administration had been filed and, if so, the date, name of the court, and the title of proceeding and file number;
 - (c) The identity of each duly qualified and appointed administrator of the estate;
 - (d) Whether the estate is still being administered;
 - (e) Whether any Letters of Administration (general or special) were ever issued in connection with the decedent's estate, and if so, attach copies of such Letters to your responses to the interrogatories;
 - (f) The date on which Letters of Administration were issued to said administrator;
 - (g) The court, name of the Judge and the clerk issuing said Letters of
 - (h) Whether there were any limitations or restrictions placed on said Letters of Administration, and if so, the nature of those limitations or restrictions;
 - (i) Whether any court has issued Letters of Administration and subsequently suspended, modified or revoked them and, if so, set forth the circumstances;
 - (j) Whether Letters of Administration or Letters Testamentary have ever been issued to any persons other than those identified in (c), above and if so, set forth the circumstances;

- (k) Whether there were any objections filed to any application for Letters of Administration, and if so, set forth the circumstances; and
- (l) Whether any bond was posted in order to qualify as administrator, and if so, attach a copy to your responses to these interrogatories.

ANSWER:

98. Has there been a proceeding to determine the heirs of the decedent's estate?
If your answer is yes, state:
- (a) The name of the court and the title of the proceeding and file number;
 - (b) The date of commencement of the proceeding;
 - (c) The date the order adjudicating heirship was rendered;
 - (d) Whether there has been an appeal from such order;
 - (e) Whether such order has ever been altered, amended or reversed; and
 - (f) The identity of and relationship to decedent and extent of right to inherit from the decedent of each heir as determined by this proceeding.

ANSWER:

99. If you are suing on behalf of the decedent or the decedent's estate or if you are the personal representative of the decedent, attach copies of the papers which authorize you to maintain this action.

ANSWER:

100. If it is claimed that any damages are owing to any person or entity on account of loss of an inheritance as a result of decedent's alleged exposure to asbestos or asbestos-containing products:
- (a) State the decedent's net worth at the time of death;
 - (b) List all real and personal property owned by the decedent at the time of the decedent's death and where the same was located (clothing and personal effects need not be included); and
 - (c) Indicate all bank savings accounts maintained in the name of the decedent, indicating with respect to each:
 - (I) The identity of the bank;
 - (ii) The account number; and
 - (iii) The amount in the account at the time of the decedent's death.

ANSWER:

101. Has an estate tax return been filed by the decedent's estate?

If your answer is yes:

- (a) State the identity of the person or firm that prepared the return; and
- (b) Identify the present custodian of the return.

ANSWER:

102. Do you have or have access to the decedent's estate tax return?
If your answer is yes, attach a copy to your response to these interrogatories.
If not available, execute and provide a release in form acceptable to the Internal Revenue Service to obtain a copy of said tax record.

ANSWER:

103. During the last five years of the decedent's life did anyone other than the decedent contribute to the decedent's support?
If your answer is yes, state as to each:
- (a) His identity and relationship to or connection with the decedent;
 - (b) The amount of each contribution, specifying whether in money, services, gifts or other forms; and
 - (c) The annual amount of such contributions.

ANSWER:

104. During the last five years of the decedent's life did anyone other than the decedent contribute to the support of any of the decedent's immediate family?
If your answer is yes, state as to each:
- (a) The identity and relationship of each relative receiving such support;
 - (b) The identify of each person, other than the decedent, who contributed to each relative's support;
 - (c) The amount of each contribution, specifying whether in money, services, gifts, or other forms; and
 - (d) The annual amount of such contributions.

ANSWER:

105. During the last ten years of his life, did the decedent contribute money or other tangible benefits to any of his children, spouses, former spouse(s), or parents?
If your answer is yes, state for each such person:
- (a) His identity and relationship to decedent;
 - (b) The date and place of birth;
 - (c) The date of each contribution;

- (d) The reason for each contribution;
- (e) The amount of value of each contribution;
- (f) A description of anything of value decedent received in exchange for such contribution; and
- (g) The years for which decedent claimed this person as a dependent for income tax purposes.

ANSWER:

106. During the last ten years of his life, did decedent ever contribute to the support of persons other than his children, spouse, former spouse(s) or parents?

If your answer is yes, state for each such person:

- (a) His identity and relationship to decedent;
- (b) The date and place of birth;
- (c) The date of each contribution;
- (d) The reason for each contribution;
- (e) The amount or value of each contribution;
- (f) A description of anything of value decedent received in exchange for such contribution; and
- (g) The years for which decedent claimed this person as a dependent for income tax purposes.

ANSWER:

107. Did the decedent perform services for any of his children, spouses, former spouse(s) or parents?

If your answer is yes, state for each person:

- (a) The identity and relationship to the decedent of the person for whom the service was performed;
- (b) A description of each service performed for such person;
- (c) The total time spent by the decedent performing the service per year and the frequency with which he performed such service;
- (d) The date the decedent last performed each such service;
- (e) The compensation, if any, the decedent received for performing each service;
- (f) The identity and relationship to the decedent of each person or agency compensating the decedent for each service;
- (g) The total cost to such person of getting others to perform each service performed by the decedent; and
- (h) The identify and occupation of each person performing each such service since the decedent's death.

ANSWER:

J. MISCELLANEOUS

108. Identify and give the substance of all written statements, recordings, or videotapes which relate to the facts of this lawsuits and the alleged damages given by you, injured to plaintiff/decedent or any witness.

ANSWER:

109. Have you or did injured plaintiff/decedent have an written or oral communication with any defendant?

If your answer is yes, state with respect to each defendant:

- (a) Whether you were and/or the injured plaintiff/decedent was a party to such communication;
- (b) The sum and substance of each such communication;
- (c) The date and exact location of each;
- (d) Whether such communication was written or oral, and if written, annex a copy of same to your response to these interrogatories;
- (e) The identity of or if not known, a description of such defendant or its employees, agents and/or servants with whom the communication was had; and
- (f) The identity of or if not known, a description of each witness to each such oral communication.

ANSWER:

110. Have you or did injured plaintiff/decedent give or send to any defendant or have you or did the injured plaintiff/decedent receive from any defendant any written communication?

If your answer is yes:

- (a) State as to each:
 - (I) The identity of the person who gave or sent such communication;
 - (ii) The identity of the person who received such communication;
 - (iii) The date of such communication;
 - (iv) The sum and substance of such communication; and
 - (v) The identity of the present custodian of such communication; and
- (b) Annex a copy of each such communication to your responses to these interrogatories.

ANSWER:

111. Have you, did injured plaintiff/decedent, or has anyone acting on behalf of you or injured plaintiff/decedent obtained any statements, either written or recorded, from any defendant or from any person in the employ of any defendant with respect to the occurrences alleged in the complaint? If your answer is yes:

- (a) State as to each:
 - (I) Who obtained such statement;
 - (ii) The identity of the person from whom such statement was obtained;
 - (iii) The date such statement was obtained;
 - (iv) The sum and substance of such statement;
 - (v) The identity of the present custodian of such statement; or
- (b) Annex a copy of each such communication to your response to these interrogatories.

ANSWER:

112. State separately as to each defendant the identity of and, if known, the social security numbers of all potential witnesses who may give testimony concerning injured plaintiff's/decedent's alleged exposure to and/or the manufacture and sale of asbestos materials and asbestos-containing products.

ANSWER:

113. Identify all persons, except experts, on whose testimony plaintiff intends to rely at trial.

ANSWER:

114. With regard to each person whom the plaintiff expects to call as an expert witness at trial, provide a copy of the witness' curriculum vitae or a summary of the witness' qualifications and state for each such expert witness

- (a) His identity;
- (b) The subject matter on which such expert is to testify;
- (c) The substance of all facts and opinions regarding which such expert is to testify;
- (d) A summary of the grounds for each opinion of such expert;
- (e) Whether the facts and opinions listed in (c) above are contained in a written report, memorandum or transcript;
- (f) Whether such expert intends to base his testimony on any book, treatise, article, study, or any other document, and if so, identify all such documents; and

- (g) Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and if so, state for each such case:
- (I) The name and docket number;
 - (ii) The court in which each such case is or was pending; and
 - (iii) The identity of the party for whom the witness testified.

ANSWER:

115. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 3120 of the Civil Practice Law and Rules of New York State, the defendants request that plaintiffs produce for inspection and copying at such time as the responses to the interrogatories herein are filed, the following documents for discovery, inspection and copying:

REQUEST FOR PRODUCTION NO. 1:

All documents identified in your responses to these interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

All documents relating to injured plaintiff's/decendent's job qualifications and professional licenses held.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

All documents relating to injured plaintiff's/decendent's employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

All documents relating to injured plaintiff's/decendent's membership in any labor trade association or professional organization.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

All documents relating to injured plaintiff's/decendent's military or foreign service, including and not limited to personnel records, discharge papers, military occupational specialty qualifications, promotions, reductions or disciplinary actions.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

All documents relating to any claim or demand ever made by injured plaintiff/decendent for damages, compensation or other benefits allegedly resulting from any illness or injury, including but not limited to Workers' Compensation Board records, social security disability claim records, federal or state employment compensation claim records, social disability records, pension claim records or any other health or accident insurance claim records.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

All documents, relating to the subject matter of this lawsuit, of which you have ever become aware, relating in any way to meetings, correspondence, statements or other communications of or from any manufacturer or supplier of asbestos, asbestos-containing products and/or asbestos-containing materials or from their agents or representatives.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

All documents, relating to the subject matter of this lawsuit, of which you have every become aware, relating in any way to meetings, correspondence or other communications of or from any trade association, labor union, employer or governmental agency, of or from any of their agents or representatives, relating to the subjects of occupational health and exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

All documents prepared by or on behalf of the plaintiff or decedent, prior to this litigation, in any way relating to the documents requested in item Nos. 5 and 6, above, of this request for production.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

All documents relating in any way to injured plaintiff's/decedent's exposure or possible exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

All documents relating in any way to injured plaintiff's/decedent's exposures to substances identified in Interrogatory 20.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

All documents relating in any way to any asbestos, asbestos-containing products and/or asbestos-containing material manufactured, distributed and/or supplied by any person or entity or by any of the named defendants herein to which you claim injured plaintiff/decedent applied or was exposed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

All documents, of which you have ever become aware, relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, asbestos-containing products, and/or asbestos-containing materials.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

All applications prepared or submitted by or on behalf of injured plaintiff/decedent for life insurance, medical insurance, health and accident insurance, and/or disability insurance.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of, plaintiff or decedent relating in any way to exposure or alleged exposure to asbestos, asbestos-containing products and/or asbestos-containing materials or any other issues relating to this lawsuit, except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an Order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established need not be produced or identified.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

All documents relating to injured plaintiff's/decedent's first knowledge, notice or awareness about the alleged adverse effects of exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17:

All records relating to comments, complaints, suggestions, or proposals made to injured plaintiff's/decedent's employer or injured plaintiff's/decedent's union, by injured plaintiff/decedent or by other employees or union members regarding asbestos exposure.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18:

All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of this lawsuit, except as to non-party declarants that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an Order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established need not be produced or identified.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19:

All photographs of injured plaintiff/decedent at work or in work clothes and all photographs of all products or conditions complained of in injured plaintiff's/decedent's place of employment.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20:

Copies of all itemized bills covering all the special damages and losses and expenses claimed in this matter.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21:

Copies of all reports, correspondence and records from any doctor who has examined injured plaintiff/decedent, and hospital where injured plaintiff/decedent was treated either as an in-patient or as an out-patient, except for any reports, records, correspondence, or communications issued by any consulting physicians who have been retained or specially employed in anticipation of litigation or preparation for trial and who are not expected to be called as a witness at trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22:

All tissue specimens, tissue slides, and X-ray films pertaining to injured plaintiff/decedent.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23:

Copies of injured plaintiff's/decedent's income tax records for the last ten years, or for ten years prior to his death, as well as any other documents including economic loss reports, upon which plaintiff relies in support of his claims. If loss of earnings or earning capacity is alleged or claimed to have occurred before the current year, include copies of the income tax returns of injured plaintiff/decedent from ten years prior to the claimed loss and up to the current tax year, or the year of death.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24:

Any asbestos materials and/or asbestos-containing products of the type to which injured plaintiff/decendent allegedly was exposed and which plaintiff has in his possession, custody or control.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25:

All photographs, charts, drawings, diagrams or other graphic representations depicting work conditions and sites where injured plaintiff/decendent was allegedly exposed to asbestos or asbestos-containing products.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26:

All boxes, containers or wrappers that allegedly contained the asbestos materials and/or asbestos-containing products which are the subject of plaintiff's complaint and which are in the plaintiff's or plaintiff's attorney's possession, custody or control.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27:

All labels, tags, or warnings on the boxes, containers or wrappers which allegedly contained asbestos materials and/or asbestos-containing products, which are the subject of plaintiffs' complaint and which are in plaintiff's or plaintiff's attorney's possession, custody or control.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28:

All invoices, bills, statements and any other writings or records which plaintiff contends evidence the sale of any products containing asbestos to the place of injured plaintiff's/decendent's employment at which injured plaintiff/ decendent was allegedly exposed to asbestos.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29:

Any written advice, publication, warning, order, directive, requirement, or recommendation, which advised or warned of the possible harmful effects of exposure to or inhalation of asbestos materials and/or asbestos-containing products in the possession, custody or control of the plaintiff which came into the possession, custody or control of the injured plaintiff/decendent during alleged period of exposure.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30:

Any accident or incident reports which relate to the facts, circumstances or incidents which form the basis of plaintiff's complaint.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31:

Any written statements given by the plaintiff or the decedent which relate to facts, circumstances, incidents, injuries or damages which form the basis of plaintiffs' complaint, including but not limited to statements made to any police or law enforcement officers, insurance company representatives, state or federal agents, or representatives or employees of other companies.

RESPONSE:

Dated: New York, New York

Name:

Chart "A"

EMPLOYER: _____

SUPERVISOR: _____

JOB SITE: _____

NAMES OF COWORKERS & JOB

CITY, STATE: _____

TITLES: _____

DATE OF JOB: _____

MY DUTIES AT THIS JOB SITE:

ASBESTOS MATERIALS USED ON THIS JOB
NAME BRANDS/MANUFACTURER:

Name:

Chart "A"

EMPLOYER: _____

SUPERVISOR: _____

JOB SITE: _____

NAMES OF COWORKERS & JOB
TITLES: _____

CITY, STATE: _____

DATE OF JOB: _____

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SUPERVISOR: _____

JOB SITE: _____

NAMES OF COWORKERS & JOB
TITLES: _____

CITY, STATE: _____

DATE OF JOB: _____

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ASBESTOS MATERIALS USED ON THIS JOB
NAME BRANDS/MANUFACTURER: